

### **Remarks**

This is responsive to the Office Action mailed August 26, 2008. The amendments do not contain new matter and without prejudice serve to more particularly point out and distinctly claim that which is patentable.

Independent claims 1 and 9 are amended to more particularly point out and distinctly feature the entertainment media being stored in the memory 50, subject to access instructions resident in the controller 56. Thus, the controller 56 can be programmed and reprogrammed for the requisite access control without modifying the previously stored entertainment media in the memory 50. Support for this subject matter is found at least in the disclosure of the purpose for the memory 50 being to store the entertainment media, such as at page 7 lines 19-26, while the purpose for the controller 56 being to control access to the memory 50, such as at page 6 lines 21-23. Functionally separating the storing and controlling functions makes it feasible to preload the entertainment media and subsequently control access to it depending on the user's desired (paid for) access, such as disclosed at page 5 lines 16-18.

### **Rejection Under 35 U.S.C. 112(1)**

In response to this rejection:

Claim 1 has been amended without prejudice to delete the disputed language, thereby obviating the rejection.

Claim 4 has been amended without prejudice to delete the disputed language, thereby obviating the rejection. Applicant notes that support for the recited feature of there being two or more entertainment media in the memory can be found at least at page 6 lines 4-6, at page 7 lines 26-28, and at page 21 lines 7-9.

Claim 9 has been amended without prejudice to more particularly point out the entertainment media being stored in the memory 50 and the access instructions being resident in the controller 56, thereby obviating the rejection.

Claims 34-36 are canceled without prejudice, thereby obviating the rejection.

Applicant therefore respectfully requests withdrawal of these rejections.

### **Rejections Under 35 U.S.C. 103(a)**

Claims 1-5, 8, 16-21, 23-26, 29-32, and 37-38 stand rejected as allegedly being unpatentable over Chung '963 in view of Downs '618. Applicant respectfully requests reconsideration and withdrawal of these rejections in view of the clarifying amendments made herein.

Independent claim 1 is amended to more particularly point out and distinctly claim *storing the entertainment media in a memory...and...programming access instructions in a programmable controller without modifying the entertainment media previously stored in the memory*. Applicant and the Office agree that Chung fails to teach or suggest at least *programming access instructions...defining a prescribed authorized usage of the stored entertainment media*. Downs discloses access control only by use of one or both of two watermarks. Thus, programming access instructions in Downs (adding or updating a watermark) requires modifying entertainment media previously stored in the memory, contrary to the recited features of claim 1. Independent claim 9 is amended in like manner.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1 and 9 and the claims depending therefrom in view of the clarifying amendments made herein.

### **Conclusion**

This is a complete response to the Office Action mailed August 26, 2008. Applicant respectfully requests the passage of all the pending claims to allowance.

Applicant has also submitted herewith a request for telephone interview. Absent allowance, Applicant respectfully requests the opportunity for a telephone interview in order to facilitate a mutual understanding as to what is claimed and what the cited references disclose to facilitate progress on the merits in this case.

The Office is invited to contact the undersigned should any questions arise concerning this response or any other matter in this case.

Respectfully submitted,

/Mitchell K. McCarthy/

By: \_\_\_\_\_

Mitchell K. McCarthy, Registration No. 38,794  
McCarthy Law Group  
5830 Northwest Expressway, #353  
Oklahoma City, Oklahoma 73132  
Telephone: 877.654.6652  
*[www.mccarthyiplaw.com](http://www.mccarthyiplaw.com)*